

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:) Docket No. 22970-RE1
SCHMITT, Raymond F., et al.) Customer No. 23589
S.N. 10/765,031) Group Art 3671
Filed 1/26/2004) Examiner Alicia M. Torres
Confirmation No. 1989)
Reissue of Patent No. 5,433,064)
Issued: July 18, 1995)
ROTARY CUTTER BED HARVESTER)
WITH NON-AUGER CONVEYING)
MEANS FOR OUTBOARD CUTTERS)

Mail Stop Reissue
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL DECLARATION FOR REISSUE PATENT APPLICATION
BY THE ASSIGNEE

COMES NOW Garry L. Ball and declares as follows:

1. I am Senior Vice President Engineering of assignee AGCO Corporation and am authorized to act on its behalf. The entire title to U.S. Patent 5,433,064 issued July 18, 1995, and titled "Rotary Cutter Bed Harvester with Non-Auger Conveying Means for Outboard Cutters", which is the subject of this reissue application, is vested in AGCO Corporation as reflected in the Statement Under 37 C.F.R. 3.73(b) submitted with the reissue application as originally filed.

2. The residence, mailing address and citizenship of the inventors are as follows:

Raymond F. Schmitt, U.S. Citizen
613 Plaza Boulevard
Hesston, Kansas 67114

Cecil L. Case (deceased)

Martin E. Pruitt, U.S. Citizen
101 Meadow Lane
Hesston, Kansas 67062

Michael L. O'Halloran, U.S. Citizen
124 South Roupp
Hesston, Kansas 67062

3. I believe the inventors noted above are the original and first inventors of the subject matter which is described and claimed in Patent 5,433,064 and in the present reissue application as amended by all amendments to date.

4. With the help of counsel I have reviewed and understand the contents of the above identified specification, including the claims, as amended by all amendments to date.

5. At least one error upon which reissue is based is described as follows:

Originally patented claim 1 is anticipated or rendered obvious by DE 3224170 A1 and EP 0358045 B1 which were not considered by the examiner during prosecution of patent 5,433,064. As a consequence, claim 1 is not seen as being patentable without the addition of the following limitations:

 said cutter bed further including an elongated, transversely extending, generally flat, hollow gear case below the cutters;
 a pair of transversely extending, oppositely rotating conditioning rolls disposed within and spanning said discharge opening above and behind the cutter bed for conditioning crop materials received from the cutters,
 said means for driving the end cutters including gears within said gear case; and

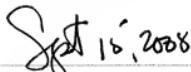
said conveying means including an endless conveyor belt entrained around the axes of rotation of the end cutter and its next adjacent intermediate group cutter, said conveyor belt having a generally upright, flat, front surface and being driven in a direction to move said front surface toward the discharge opening.

Furthermore, claim 1 needed to be further limited by specifying that the series of cutters includes a group of multiple pairs of intermediate cutters that are in front of and aligned with the discharge opening and that the conveying means comprises non-auger conveying means to distinguish over the art.

6. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56.

7. Every error in Patent 5,463,852 which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant.

8. I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Date

Gary L. Ball

Typed or printed name



Signature

Senior Vice President Engineering

Title